

REMARKS

In the Office Action, Claims 1-7 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Pat. No. 5,483,248 to Milroy in view of U.S. Pub. No. 2004/0090290 A1 to Teshirogi et al. ("Teshirogi"). Claims 1 and 3-5 were objected to.

Claims 1 and 3-5 are amended. No new matter is presented.

Reconsideration of this application is respectfully requested for the following reasons.

Claims 1-7 are pending in the application, with Claim 1 as the only independent claim.

In regards to the rejection under 35 U.S.C. § 103(a), Claims 1-7 stand rejected over the combination of Milroy and Teshirogi. At least because Teshirogi is not prior art, the rejection must be withdrawn.

The present application is a U.S. National Phase application of PCT/KR04/002957, having an International Filing Date of November 15, 2004.

Teshirogi published May 13, 2004, less than one year before the filing of the present application. Accordingly, Teshirogi is not prior art under 35 U.S.C. § 102(b).

It is recognized that Teshirogi claims priority to PCT/JP02/12066. However, the publication of PCT/JP02/12066, was in Japanese and not in English. Therefore, PCT/JP02/12066 fails to satisfy the requirement of 35 U.S.C. § 102 (e), which specifies that for "an international application filed under the treaty defined in section 351(a), shall have the effects for the purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language." (Emphasis supplied, also see MPEP 1896.)

It is believed that Teshirogi fails to qualify as prior art under any other section of 35 U.S.C. § 102, particularly in view of the enclosed certified English language translation of Russian Appl. No 2003133969.

For at least the above reasons, it is requested that the rejection be withdrawn.

In regards to the claim objections, the amendment to Claims 1 and 3-5 is believed to overcome the objection.

In regards to Claim 1, the Examiner requests that the phrase 'a planar waveguide' be replaced with 'said planar waveguide' in line 3, that 'periodical array of slots' be replaced with 'a periodical array of slots' in lines 3-4, and that 'an array period' be replaced with 'an array period of the periodical array of slots' in line 4. In regards to Claim 3, the Examiner requests

that 'the metal waveguides' be replaced with 'the two metal waveguides'. In regards to Claims 4 and 5, the Examiner requests similar grammatical corrections to the claims. To advance prosecution, the requested amendments are made herein. Accordingly, it is requested that the objection be withdrawn.

Respectfully submitted,



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Enclosure: Certified Translation of priority document Russian Appl. No 2003133969.